

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

March 18, 1997

|                             |   |                             |
|-----------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA    | ) |                             |
| Complainant,                | ) | 8 U.S.C. § 1324a Proceeding |
|                             | ) |                             |
| vs.                         | ) | OCAHO Case No. 97A00002     |
|                             | ) |                             |
| P.A.G.G.G. REST. INC. D/B/A | ) |                             |
| IL BAGATTO                  | ) |                             |

ORDER OF DISMISSAL-SETTLED

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA), in which the United States Department of Justice, Immigration and Naturalization Service (INS) is the complainant and P.A.G.G.G. Rest. Inc. d/b/a Il Bagatto is the respondent. On October 1, 1996, INS filed a complaint consisting of three counts with the Office of the Chief Administrative Hearing Officer (OCAHO). Respondent answered the complaint on October 28, 1996. On December 4, 1997, this office was contacted by complainant and informed that the case had settled.

On March 17, 1997, the parties filed a Motion to Dismiss together with a Settlement Agreement signed by both parties which resolves all issues raised by the complaint. The entire record in this matter consists of the Complaint, the Notice of Hearing, the Answer, and the Motion to Dismiss with the Settlement Agreement attached.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure:

- (a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:
  - (1) Submit to the presiding Administrative Law Judge:
    - (i) The proposed agreement containing consent findings; and
    - (ii) A proposed decision and order;

or (emphasis added)
  - (2) Notify the Administrative Law Judge that the parties

have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge.

28 C.F.R. § 68.14.

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2). I have reviewed the Settlement Agreement, and I find that its terms are appropriate pursuant to 28 C.F.R. § 68.14(a).

I further find that under the terms of the Agreement, and pursuant to 28 C.F.R. § 68.14:

1. Respondent has withdrawn its request for hearing on the merits,
2. this matter is dismissed with prejudice in that respondent will pay a civil monetary fine in the total amount of \$3,360.00 with periodic payments to be made in the manner set forth in the Settlement Agreement,
3. it is appropriate to grant the Motion to Dismiss in the instant proceeding based upon the parties' notification made pursuant to 28 C.F.R. § 68.14(a)(2), and
4. the Complaint is dismissed.

SO ORDERED

Dated and entered this 18th day of March, 1997.

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Ellen K. Thomas  
Administrative Law Judge

## CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 1996, I have served copies of the foregoing Order of Dismissal-Settled on the following persons at the addresses indicated:

Dea Carpenter, Esquire  
Associate General Counsel  
Immigration and Naturalization Service  
425 "I" Street, N.W., Room 6100  
Washington, D.C. 20536

Soni Sinha, Esquire  
Immigration and Naturalization Service  
26 Federal Plaza  
New York, NY 10278

Zeljko Radman  
P.A.G.G.G. Rest. Inc. d/b/a Il Bagatto  
410 Rockaway Ave.  
Valley Stream, NY 11580-9999

Office of the Chief Administrative Hearing Officer  
5107 Leesburg Pike, Suite 2519  
Falls Church, Virginia 22041

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Cynthia A. Castañeda  
Legal Technician to  
Ellen K. Thomas  
Administrative Law Judge  
Office of the Chief Administrative  
Hearing Officer  
5107 Leesburg Pike, Suite 1905  
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